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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

In re Patent Application of : Barnett et al.	) Examiner: F. Ehichioya
	)
Serial No.: 09/759,498	) Art Unit: 2172
	)
Filed: January 12, 2001	)
	)
For: **Multi-Term Frequency Analysis**	) Atty Dkt: 6871-105/10024998
	)

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REPLY BRIEF

Applicants hereby reply to the Examiner's Answer, dated July 3, 2006, of the above mentioned Application, for which no additional filing fee or extension is required. As set forth in 37 CFR 41.41, no new or non-admitted materials are included. The following items are included in this Reply Brief, beginning on the pages set forth below, with this page being the required Identification page having the necessary identification information:

(1)   Status of Claims – Page 2

(2)   Grounds of Rejection to be Reviewed on Appeal – Page 3

(3)   Argument – Page 4

(1)   Status of Claims

Claims 1-138 have been canceled.

Claims 139 – 158 are pending, on appeal, and have the following status:

Claim 139 is finally rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 5,974,412 to Hazlehurst et al. ("Hazlehurst") in view of U.S. Patent No. 5,933,822 to Braden-Harder et al. ("Braden-Harder").

Claims 140-158 are finally rejected under 35 U.S.C. 103(a) as unpatentable over Hazlehurst in view of Braden-Harder and further in view of U.S. Patent No. 5,991,751 to Rivette et al. ("Rivette").

(2) Grounds of Rejection to be Reviewed on Appeal

A.   Whether Claim 139 is improperly rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 5,974,412 to Hazlehurst in view of Braden-Harder et al.?

B.   Whether Claims 140-158 are improperly rejected under 35 U.S.C. 103(a) as unpatentable over Hazlehurst in view of Braden-Harder, and further in view of Rivette?

(3) **Argument**

A. **Claim 139 is improperly rejected under 35 U.S.C. 103(a) as unpatentable over Hazlehurst in view of Braden-Harder, and this rejection should be reversed.**

Regarding Claim 139, Applicants respectfully disagree with the Examiner's characterization of Hazlehurst as providing an analysis tool similar to that of the clamed invention. As set forth in the Examiner's Answer at page 11, Hazlehurst is stated as disclosing an "array of cells containing rows and columns in 'Goodness Table' as shown in Fig. 11," and that the "Examiner interprets this TABLE as 'Matrix.'" It is respectfully submitted that the matrix of the present application is a co-occurrence matrix, specifically recited in Claim 139 as created when "m" actions and "n" objects are combined to construct an array of cells where each cell is associated only with documents in the subset that were identified as relevant both to the respective action and object. No such co-occurrence array of cells is provided by the Goodness Table of Hazlehurst, which is created (Col. 13, beginning at Line 21) by applying functions to calculate numeric "goodness scores" which are intended to characterize or summarize in one number value the fit of a document to the collater or objects identified. No such methodology or attempt to assign "goodness" is recited in Claim 139, and rejection of this claim in view of Hazlehurst should be reversed.

Applicants further respectfully submit that Braden-Harder also fails to provide the recited co-occurrence methodology, nor does Braden-Harder provide for the addition of time weighting, which is further recited in Claim 139. As Braden-Harder does not disclose the features of Claim 139, which are also lacking in Hazlehurst, the combination of these references does not render the invention of Claim 139 obvious under §103(a). Reversal of the rejection of Claim 139 as unpatentable is requested.
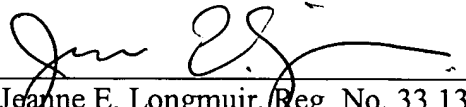
B. **Claims 140-158 are improperly rejected under 35 U.S.C. 103(a) as unpatentable over Hazlehurst in view of Braden-Harder, and further in view of Rivette, and this rejection should be reversed.**

With respect to Claims 140-158, as set forth above, Applicants respectfully disagree with the characterization of Hazlehurst as providing a matrix generated by a co-occurrence methodology of the type recited, and submit that such a matrix is not obvious based upon the combination of the

goodness of fit matrix and methodology of Hazlehurst, taken with Braden-Harder together with Rivette. The combinations of Hazlehurst and Braden-Harder with Rivette do not result in Applicants' claimed invention and are improper. The rejection of Claims 140-158 should be reversed.

Respectfully Submitted,

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